UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,104	05/19/2000	Takanori Nishimura	SONY-T0571	9384

7590 01/27/2005

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER	
BASEHOAR, ADAM L	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/575,104	NISHIMURA ET AL.	
	Examiner	Art Unit	
	Adam L Basehoar	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 22 September 2004.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-34 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 09/22/04 to the Election of Species filed 04/05/04 to the Application filed on 05/19/00 which claims Foreign Priority back to 05/21/99.

2. The rejection of claims 1-2, 4, 8, 11, and 15, under 35 U.S.C. 112, second paragraph, have been withdrawn as necessitated by amendment.

3. The rejection of claims 1-19, 21-28, and 30-34 under 35 U.S.C. 102(b) as being anticipated by Bhukhanawala (US: 5,831,617 11/02/98), have been withdrawn as necessitated by Amendment.

4. Elected claims 1-34 are pending in this application. Claims 1, 8, and 15 are independent claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-19, 21-28, and 30-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Bhukhanawala (US: 5,831,617 11/02/98).

-In regard to independent claims 1, 8, and 15, Bhukhanawala teaches an apparatus, method, and medium comprising:

a storage means for storing a pre-set processing unit (column 1, lines 9-13), said processing unit being an electronic label (equivalent to the "container icon" or "movie icon")(column 1, lines 50-53)(Fig. 1B: 26) configured to be displayed as a graphical image on a display (Fig. 1B: 10), said processing unit configured to have user selectable information (frame icons)(column 2, lines 12-22) having different attributes (text, audio, video, etc) (column 10, lines 26-28)(Fig. 2A: 53, 77, etc) and the time information in association with each other (column 2, lines 23-56)(Fig. 2A: 50, 77, 73, 53, etc), said object information (frame icons) being displayed when said electronic label was displayed (column 2, lines 32-36 & 46-56); and

regenerating means for regenerating the state (Fig. 1B: 30 & 32) of said pre-set processing unit associated with a predetermined date and time based on said time information (column 2, lines 23-31)(Fig. 3B-F), said state of said processing unit being indicative of what object information was associated with said processing unit as a function of time (column 2, lines 32-36)(i.e. displays what frame icons which were related to a given stored time).

Bhukhanawala teaches the processing unit occupying an area on the display (Fig. 1B: 10). Bhukhanawala does not teach displaying the processing unit occupying a predetermined area on the display. It would have been obvious to one of ordinary skill in the art at the time of the invention for Bhukhanawala to have displayed the processing unit at a predetermined area on the display, because Bhukhanawala teaches using a position indicator (Fig. 1B: 32) eliminates cluttering a display screen with scattered icons and files (column 6, lines 18-31) and thus a predetermined display area would reduce

cluttering and increase user familiarity with the container/movie icon always appearing in the same location.

-In regard to dependent claims 2 and 9, Bhukhanawala teaches wherein said storage means stores the entire information (files) relevant (Fig. 3B-F: 60 & 80) to said pre-set processing unit at a time point (Fig. 3B-F: Today, Yesterday, 2 Days old, 3 Days old, etc).

-In regard to dependent claims 3 and 10, Bhukhanawala teaches computing a difference (subtracting/adding) between the information concerning said pre-set processing unit at a first time point and said information at a second time point (column 8, lines 11-16);

storing the difference information (equivalent to computing the difference value); and

regenerating the state of the of said pre-set processing unit based on said time information and difference information (column 8, lines 17-23).

-In regard to dependent claims 4 and 11, Bhukhanawala teaches acquiring the hysteresis of the operation on said pre-set processing unit by selecting to go forward or rewind from an initial state (column 8, lines 1-16);

storing the operation hysteresis information (equivalent to determining/receiving the hysteresis information); and

regenerating the state of said processing unit (Fig. 3B-F) based on the time information (Today, Yesterday, 2 Days old, etc) and said operation hysteresis information (browsing direction)(column 8, 6-10).

-In regard to dependent claims 5 and 12, Bhukhanawala teaches wherein said storage means effects storage at regular (time) intervals (Fig. 2A: Today, Yesterday, 2 Days old, 3 Days old, etc.)

-In regard to dependent claims 6 and 13, Bhukhanawala teaches wherein said storage means effects storage at a time point (Fig. 2A: Today, Yesterday, 2 Days old, 3 Days old, etc.) when the state (user selected saved time point)(Fig. 1B: 32) of said pre-set processing unit was changed (i.e. storage retrieves and displays current state objects)(Fig. 3B-F).

-In regard to dependent claims 7 and 14, Bhukhanawala teaches wherein said object information of different attributes was the text information (column 2, lines 59-60), speech information, and the picture information inclusive of moving pictures (column 10, lines 16-29); and

displaying said tag sheet on a display picture of said display device (Fig. 1: 10 & 26).

-In regard to dependent claims 16 and 25, Bhukhanawala teaches wherein said regenerating means include;

time display means for displaying times (Fig. 1B: 32);

time interval displaying means for displaying a plurality of time intervals (Fig. 1B: 32);

selection means for selecting a desired time interval from said time intervals displayed on said time interval displaying means (columns 2 & 6, lines 46-56 & 28-46)(Fig. 1B: 30); and

control means for controlling the display state of said pre-set processing unit and time display on said time display (Fig. 1B) means responsive to the time interval selecting by said selection means (Fig. 4).

-In regard to dependent claims 17 and 26, Bhukhanawala teaches displaying a plurality of pre-set constant time intervals (Fig. 1B: 32) as said plural time intervals (columns 7 & 8, lines 32-67 & 1-16).

-In regard to dependent claims 18 and 27, Bhukhanawala teaches displaying variable time intervals (i.e. variable user configuration)(Fig. 1B: 32) with a pre-set changing point as a unit (columns 7 & 8, lines 32-67 & 1-16).

-In regard to dependent claims 19 and 28, Bhukhanawala teaches controlling the amount of change of the time display on said time displaying means with a variable speed (equivalent to the user changing the time ratio (Fig. 4: 92) or selecting the play, rewind, or forward of Fig. 1B: 30) based on a command from outside (keyboard or pointing action from a user)(column 6, lines 28-46)(Fig. 1B: 30).

-In regard to dependent claims 21 and 30, Bhukhanawala teaches controlling the time display color responsive (i.e. equivalent to changing the frames of the movie Fig. 3B-F) to the time interval selected by said selection means (Fig. 3B-F: Today, Yesterday, 3 Days Old, etc).

-In regard to dependent claims 22 and 31, Bhukhanawala teaches retrieving the information (files)(column 6, lines 28-46) of a pre-set processing unit associated with the time information from said storage means based on the time displayed on said display means (Fig. 3B-F).

-In regard to dependent claims 23 and 32, Bhukhanawala teaches retrieving the regenerated state (file states at different time intervals)(Fig. 3B-F) of said pre-set processing unit based on said information of said pre-set unit retrieved from said storage (memory) means by said retrieving means.

-In regard to dependent claims 24 and 33, Bhukhanawala teaches wherein said object information of different attributes can be text information (column 2, lines 59-60), speech information, and the picture information including moving pictures (column 10, lines 16-29);

displaying said tag sheet on a display picture of a display device (Fig. 1: 10 & 26).

7. Claims 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhukhanawala (US: 5,831,617 11/02/98) in view of Gupta et al (US: 6,546,405 04/08/03).

-In regard to dependent claims 20 and 29, Bhukhanawala do teach controlling the amount of change of the time display (column 2, lines 24-55) based on an outside user selection of the time ratio (Abstract). Bhukhanawala do not teach controlling the amount of change of the time display with acceleration based on an acceleration command from outside. Gupta et al teach wherein control buttons were well known in the art for graphical user interfaces (column 5 & 6, lines 64-67 & 1-2). Gupta et al teaches wherein common control buttons include play, stop, pause, fast forward, and reverse playback (column 6, lines 2-8). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bhukhanawala to have had additional control buttons such as fast forward or fast rewind as taught in Gupta et al, in addition to the play, forward, and rewind buttons shown in Fig. 1B: 30 for user keystroke or pointing activation to vary the acceleration of the frame rate, because it would have been obvious to one of ordinary skill in the art at the time that the combination of the two would have aided a user in quickly advancing to the beginning or ending of the movie/frame which would save users valuable time without the need to go frame by frame rendering all the objects.

Response to Arguments

8. Applicant's arguments filed 09/22/04 have been fully considered but they are not persuasive.

In regard to independent claims 1, 8, and 15, the Applicant argues that Bhukhanawala does not teach the amended features to claims. The examiner respectfully disagrees with the applicant, and as shown above in the rejection of the independent claims, the movie/container icon as disclosed in Bhukhanawala acts as an electronic label displayed on a user interface. Specific frame icons/objects having different attributes such as being a text or a image file are saved at given time points by a user using a save function. Based on the saved time points the user can regenerate past and future versions of said frame icons/objects by rewinding or forwarding to specific temporal points and displaying the user selectable frame icons/objects whose date and time are associated with the specific selected temporal point. This allows temporal viewing of a plurality of frame icons/objects in an intuitive fashion. Applicant also argues that Bhukhanawala fails to teach the ability to have user-selected object information appear as a label at a particular time. As discussed, the user selectable frame icons/objects appear as a label at a particular time when the user temporally traverses through the different time points of the container/movie icon.

In response to applicant's argument that the references fail to show certain features of applicant's invention (i.e. relating to page 34 of the specification detailing the label software), it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner feels that claims of applicant's invention are close to overcoming the prior art of record. The examiner notes that adding the feature wherein being able to regenerate the electronic label even after the label has been deleted (Specification: Page 2, Lines 20-21) would over come the presently applied reference of Bhukhanawala. However the examiner wishes to point out that the adding of new limitations to over come the prior art would most likely require further search and consideration. When contemplating further amendments, applicant is encouraged to review and consider the other cited related art which may read on the applicant's invention (i.e. Gupta et al. US-6,546,405 column 2, lines 14-35) so that said amendments might better place the application in condition for allowance.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,630,934	10-2003	Hoddie et al.
US-6,816,870	11-2004	Nishimura et al.
US-5,159,669	10-1992	Trigg et al.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEPHEN HONG
SUPERVISORY PATENT EXAMINER